

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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Luann Gould,	:	
	:	
Plaintiff,	:	05 CV 11118 (PBS)
	:	
— v. —	:	
	:	
Lucent Technologies, Inc.,	:	
	:	
Defendant.	:	
-----	X	

Proposed Jury Instruction No. 7

“Incapacity” as defined in the FMLA regulations – 29 USC 825.114 (a) (1)

Incapacity plus treatment means a period of incapacity (inability to work, attend school or perform other regular daily activities) of more than three consecutive days, including any subsequent treatment or period of incapacity relating to the same condition, that also involves: (1) treatment two or more times by a health care provider, by a nurse or physician’s assistant under direct supervision of a health care provider, or by a provider of health services (for example, a physical therapist) under orders of or on referral by, a health care provider; or (2) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

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Defendant.	:	
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Proposed Jury Instruction No. 8

“Reasonable opportunity for employee to re-submit FMLA documentation”

FMLA regulations – 29 USC 825.305 (d)

Upon request of the employer, an employee must submit documentation from a doctor in order to qualify for a leave under FMLA. If the documentation is incomplete, the employer must give the employee a reasonable opportunity to cure the defect.